

**REMARKS**

Applicants have carefully reviewed this Application in light of the Final Office Action mailed January 12, 2006. Claims 1-48 are pending in this Application. Claims 1-4, 9, 10, 12, 16, 16, 20 and 22 stand rejected under 35 U.S.C. § 102(b) and Claims 5-8, 11, 13, 14, 17-19, 21, 23, 28-31, 34, 26, 37, 40-42, 44 and 46-48 stand rejected under 35 U.S.C. § 103(a). Applicants respectfully request reconsideration and favorable action in this case.

**Rejections under 35 U.S.C. § 102**

Claims 1-4, 9, 10, 12, 15, 16, 20 and 22 stand rejected by the Examiner under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 5,930,700 issued to David J. Pepper et al. ("*Pepper*").

*Pepper* discloses a system and method for screening and routing calls directed to a communications services subscriber. A PhoneBook includes a priority number for each entry that is used to determine where an incoming call should be directed. (Col. 9, Lines 12-19). When an incoming call has an intermediate priority, the system attempts to contact the subscriber and provides a list of call handling options for the subscriber. (Col. 12, Lines 34-41).

Claim 1, as amended, recites a method comprising "generating a pending mediated commitment based on the availability status, the pending mediated commitment indicating a scheduled commitment with a mediated party."

Claim 15, as amended, recites a method comprising "generating a pending mediated commitment based on the availability status, the pending mediated commitment indicating a scheduled voice-based communication from the mediation subscriber to a mediated party."

Applicants respectfully submit that the cited reference fails to disclose each and every element of Applicants' invention. *Pepper* fails to teach a method comprising "generating a pending mediated commitment based on the availability status, the pending mediated commitment indicating a scheduled commitment with a mediated party," as recited in amended Claim 1. Additionally, *Pepper* fails to disclose or suggest a method for facilitating mediated virtual communication comprising "generating a pending mediated commitment based on the availability status, the pending mediated commitment indicating a scheduled

voice-based communication from the mediation subscriber to a mediated party,” as recited in amended Claim 15.

The Examiner alleges that *Pepper* teaches these elements of Claims 1 and 15. In particular, the Examiner states in response to Applicant’s October 28, 2005, Response to Office Action:

Examiner posits that it is not unreasonable to interpret the default profile as mentioned to correlate to an availability status of the subscriber, in which determines how to forward a call from a party by either forwarding the call directly to the subscriber, voice mail box, or a different location. Examiner interprets the generating of a mediated commitment to correlate to how a call is received and forwarded from a calling party.

(Office Action, page 24).

Applicants submit that it is improper to analogize the generation of a “pending mediated commitment” to how an incoming telephone call is routed in *Pepper*, as generation of a mediated commitment is distinct from the forwarding of a telephone call. For example, Figure 14 illustrates that a mediation subscriber has several pending mediation commitments. As further described by the text associated with Figure 14, a “pending mediated commitment” does not relate to how a call is routed or forwarded to a mediation subscriber, but instead relates to some future event to occur at a scheduled time, for example setting an appointment to conduct a telephone conversation at a later time. Given such context, no portion of *Pepper* teaches, suggests or discloses “generating” a “commitment,” let alone a “mediated commitment.” Thus, the cited reference fails to disclose the recited elements and, therefore, cannot anticipate Claims 1 and 15.

Given that Claims 2-4, 9, 10 and 12 depend from Claim 1, and Claims 16, 20 and 22 depend from Claim 15, Applicants respectfully submit that Claims 2-4, 9, 10, 12, 16, 20 and 22 are allowable. As such, Applicants respectfully request that the Examiner allow Claims 1-4, 9, 10, 12, 15, 16, 20 and 22.

### **Rejections under 35 U.S.C. § 103**

Claims 5-8, 11, 13, 14, 17-19, 21, 23, 28-31, 34, 36, 37, 40-42, 44 and 46-48 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over *Pepper* in view of U.S. Patent No. 6,493,324 issued to John L. Truetken (“*Truetken*”).

Claims 24-27, 32, 33, 35, 38, 39, 43 and 45 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over *Pepper*.

*Truetken* discloses a client for initiating and managing multimedia Internet telephony sessions.

Claim 24, as amended, recites a computer program product comprising a computer program capable of “generat[ing] a pending mediated commitment based on the availability status, the pending mediated commitment indicating a scheduled commitment with a mediated party.”

Claim 38, as amended, recites a computer program product comprising a computer program capable of “generat[ing] a pending mediated commitment based on the availability status, the pending mediated commitment indicating a scheduled voice-based communication from the mediation subscriber to a mediated party.”

Claim 47, as amended, recites a system comprising a mediation system being capable of “generating a pending mediated commitment based on the availability status, the pending mediated commitment indicating a scheduled commitment with a mediated party.”

Applicants respectfully submit that the cited references fail to disclose every element of Applicants’ invention as amended. Further, there is no motivation, teaching, or suggestion to combine *Pepper* and *Truetken*. For reasons analogous to those discussed above with respect to Examiner’s reactions under 35 U.S.C. § 102(b): (a) *Pepper* fails to teach at least “generat[ing] a pending mediated commitment based on the availability status, the pending mediated commitment indicating a scheduled commitment with a mediated party,” as recited by amended Claim 24; (b) *Pepper* fails to disclose or select a computer program product comprising a computer program capable of “generat[ing] a pending mediated commitment based on the availability status, the pending mediated commitment indicating a scheduled voice-based communication from the mediation subscriber to a mediated party,” as recited by amended Claim 38; and (c) *Pepper* and *Truetken*, alone or in combination, fail to teach a system for facilitating mediated virtual communication comprising “generating a pending mediated commitment based on the availability status, the pending mediated commitment indicating a scheduled commitment with a mediated party,” as recited by amended Claim 47. The cited references, therefore, fail to disclose the recited limitations and cannot render obvious Claims 24, 38 and 47.

Given that Claims 25-37 depend from Claim 24, Claims 39-46 depend from Claim 38, and Claim 48 depends from Claim 47. Applicants respectfully submit that Claims 25-37, 39-46 and 48 are allowable. As such, Applicants respectfully request that the Examiner allow Claims 24-48.

Additionally, Claims 5-8, 11, 13 and 14 are allowable at least because they depend from independent Claim 1 and Claims 17-19, 21 and 23 are allowable at least because they depend from independent Claim 15. Thus, Applicants respectfully request reconsideration and allowance of Claims 5-8, 11, 13, 14, 17-19, 21 and 23.

**Information Disclosure Statement**

Applicants enclose an Information Disclosure Statement and PTO 1449 Form with copies of the references for the Examiner's review and consideration. The Commissioner is hereby authorized to charge the \$180 IDS fee, any additional fees required and credit any overpayments to Deposit Account No. 50-2148 of Baker Botts LLP.

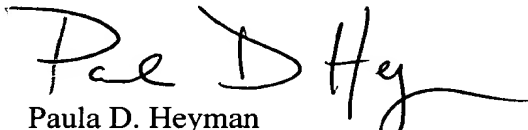
**CONCLUSION**

Applicants appreciate the Examiner's careful review of the application. Applicants have now made an earnest effort to place this case in condition for allowance in light of the amendments and remarks set forth above. For the foregoing reasons, Applicants respectfully request reconsideration of Claims 1-48.

Applicants believe there are no additional fees due at this time, however, the Commissioner is hereby authorized to charge any fees necessary or credit any overpayment to Deposit Account No. 50-2148 of Baker Botts L.L.P.

If there are any matters concerning this Application that may be cleared up in a telephone conversation, please contact Applicants' attorney at 512.322.2581.

Respectfully submitted,  
BAKER BOTTS L.L.P.  
Attorney for Applicants

  
Paula D. Heyman  
Reg. No. 48,363

Date: March 10, 2006

**SEND CORRESPONDENCE TO:**

BAKER BOTTS L.L.P.

CUSTOMER ACCOUNT NO. **31625**

512.322.2581

512.322.8383 (fax)

Enclosure: 1) Information Disclosure Statement and PTO 1449 Form with copies of the references along with a check in the amount of \$180.00